

BoxInterferences@uspto.gov
Tel: 571-272-9797

Entered: December 5, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Michael A. Rudnicki,
Conrad Florian Bentzinger,
and
Radoslav Zinoviev
Junior Party 1
(Application 14/344,309),

v.

Tom Tong Lee,
Michael J. Fitch, Kevin Lai, Peter Flynn
and
Monica Bennett,
Junior Party 2
(Application 14/344,310).

(Patent Interference No. 106,067)(JTM)
(Technology Center 1600)

Before: RICHARD E. SCHAFER, ROMULO H. DELMENDO, and
JAMES T. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

JUDGMENT

1 In view of Junior Party 2 Lee's Request for Adverse Judgment filed
2 November 23, 2016 (Paper 17), the Board has determined that there is not
3 sufficient need remaining to proceed to priority in this interference. Accordingly,
4 we exercise our discretion to enter judgment at this time.

5 Accordingly, judgment on priority as to counts one and two shall be entered
6 against Junior Party 2 Lee.

7 It is hereby ORDERED that judgment be entered against junior party Tom
8 Tong Lee, Michael J. Fitch, Kevin Lai, Peter Flynn and Monica Bennett; and real
9 party in interest Fate Therapeutics, Inc., as to both counts one and two;

10 FURTHER ORDERED that claims 97-101; 104-112, and 115 of Lee
11 involved application 14/344,310 be FINALLY REFUSED, 35 U.S.C. § 135(a);

12 FURTHER ORDERED that a copy of this judgment be entered in the
13 administrative record of:

14 (1) Junior Party 2 Lee Application 14/344,310; and

15 (2) Junior Party 1 Rudnicki Application 14/344,309;

16 FURTHER ORDERED that a party seeking judicial review timely serve
17 notice on the Director of the United States Patent and Trademark Office. 37 C.F.R.
18 §§ 90.1 and 104.2;

19 FURTHER ORDERED that attention is directed to *Biogen Idec MA, Inc., v.*
20 *Japanese Foundation for Cancer Research*, 38 F. Supp. 3d. 162 (D. Mass. 2014);

21 FURTHER ORDERED that the parties take notice that any agreement or
22 understanding between parties to an interference, including any collateral
23 agreements referred to therein, made in connection with or in contemplation of the
24 termination of the interference, shall be in writing and a true copy thereof filed in
25 the Patent and Trademark Office before the termination of the interference as

1 between the said parties to the agreement or understanding. 35 U.S.C. § 135(c); *see*
2 *also* Bd.R. 205 (settlement agreements).

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6 cc:

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8 Rudnicki:

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10 R. Danny Huntington
11 Seth E. Cockrum, Ph.D.
12 Rothwell, Figg, Ernst & Manbeck, P.C.
13 607 14th St., N.W., Suite 800
14 Washington, DC 20005
15 dhuntington@rfem.com
16 scockrum@rfem.com
17

18 Lee:

19
20 Thomas E. Friebe
21 Jones Day
22 250 Vesey Street
23 New York, NY 10281-1047
24 TEFriebe@JonesDay.com
25

26 David Gay
27 Jones Day
28 12265 El Camino Real, Suite 200
29 San Diego, CA 92130
30 dagay@JonesDay.com